



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Fourth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21181 of 2018

THANGAPANDIAN

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
(IN CRIME NO. 364 OF 2008)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.JEGADEESH PANDIAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

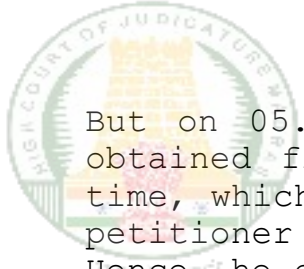
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 468 and 471 of IPC, in Cr.No.364 of 2008 seek anticipatory bail.

2.The case of the prosecution is that the petitioner herein who was working as Village Assistant under the control of defacto complainant who is working as Village Administrative Officer had issued a bogus certificate to the name of one Balakrishnan enabling him to obtain loan from Bank. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged crime. The learned counsel for the petitioner further submits that the petitioner was earlier granted anticipatory bail in the year 2009. Thereafter, the petitioner had not executed the sureties since the defacto complainant agreed to withdraw the case by stating that since the said Balakrishnan did not apply for any loan, he has not further willing to proceed with the case. In view of the same, the petitioner assumed that the case was closed.



But on 05.07.2010, he was called for enquiry and signatures were obtained from him. But, the petitioner was not arrested on that time, which further fortified the belief of the petitioner. Now the petitioner apprehends arrest in the hands of the respondent police. Hence, he come forward with this petition.

4.The learned Government Advocate (Crl. Side) submits that while he was working as Village Assistant under the control of defacto complainant, he scribbling the signature of the Village Administrative Officer and issued forged certificate to one Balakrishnan which enables him to obtain loan. Later it was came to know that he has no cultivable lands or any immovable property in his name in the village. Hence, the defacto complainant preferred the complaint against the petitioner. He further submits that investigation advanced is in substantial stage and charge sheet has also been filed. On 05.07.2010, the petitioner appeared before the Inspector of Police, District Crime Branch and subsequently signatures were obtained from him. Now, the handwriting report have also been received in this case.

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO-I,
TIRUNELVELI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.JEGADEESH PANDIAN Advocate SR.No.394

PS/PN/SAR-2/09.01.2019/3P/6C

ORDER
IN
CRL OP(MD) No.21181 of 2018
Date :04/01/2019